

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of the Commission's Rules to)	WT Docket No. 04-435
Facilitate the Use of Cellular Telephones and)	
Other Wireless Devices Aboard Aircraft)	

MOTION FOR EXTENSION OF TIME

The United States Department of Justice ("DOJ"), including the Federal Bureau of Investigation ("FBI"), and the Department of Homeland Security ("DHS"), pursuant to Section 1.46(b) of the Commission's rules,¹ file this motion requesting that the Commission extend the deadline for all interested parties to file initial comments in the above-captioned proceeding² from April 11, 2005 to April 26, 2005. This brief extension of time would permit interested parties to submit more complete and meaningful responses to the complex issues raised by the Commission in this proceeding, thereby assisting the Commission in making its decision. Further, this modest extension will not prejudice any interested parties.

In this proceeding, the Commission proposes to lift its long-standing ban on the in-flight use of personal cellular/wireless telephones. This proposal represents a significant change in the Commission's approach to the use of personal cellular/wireless

¹ 47 C.F.R. § 1.46(b).

² *In the Matter of Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephones and Other Wireless Devices Aboard Aircraft*, Notice of Proposed Rulemaking, WT Docket No. 04-435, FCC 04-288 (rel. Feb. 15, 2005).

telephones aboard aircraft, and raises important regulatory, technical/operational, and public safety/national security issues relating to such use. The current comment period is inadequate to permit interested parties to file full and informed comments on the important regulatory, technical, and public safety/national security issues raised in this proceeding. A brief extension would greatly facilitate the development of a complete record for the Commission's review.

No prejudice to any party would result from a brief extension and, because the requested extension is quite modest, it should not interfere with any Commission plans for taking action in this proceeding.

The Commission has previously granted requests for brief extensions of time where doing so would not prejudice interested parties and would enable all parties to submit more complete and meaningful comments on the complex issues raised in a given proceeding.³ The movants respectfully submit that in this proceeding as well, grant of the additional time requested would not prejudice any interested party, would allow all interested parties a meaningful opportunity to respond to the proposals and issues raised in this proceeding, and would assist the Commission in making its decision based upon a complete record.

³ See e.g., *Performance Measurements and Standards for Unbundled Network Elements and Interconnection*, Order 16 FCC Rcd 21428 (2001) (granting an extension due to the complexity and number of issues presented and the Commission's desire to obtain a complete record with input from all interested parties); *Performance Measurements and Standards for Interstate Special Access Services*, Order, 16 FCC Rcd 22117 (2001).

For all of the foregoing reasons, DOJ, including FBI, and DHS respectfully request that the Commission grant this motion for an extension of time and extend the deadline for all interested parties to file comments in this proceeding until April 26, 2005.

Dated: March 31, 2005

Respectfully submitted,

THE UNITED STATES DEPARTMENT OF JUSTICE
AND THE FEDERAL BUREAU OF INVESTIGATION

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